

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of: Austin
Application No.: 09/683,249
Filed: December 5, 2001
For: Combined Balloon-Expanding and Self-Expanding Stent
Examiner: Sarah K. Webb
Group Art Unit: 3731

V. Douglas
App/Electra
2/7/03

Commissioner for Patent
Washington, D.C. 20231

Docket No.: S63.2-10014

ELECTION

This Election is submitted in response to the Restriction Requirement dated November 18, 2002. Applicant elects with traverse Invention I, species B as identified by the Examiner which include claims 5-9 and Group I generic claims as identified by the Examiner which include claims 20, 21, 29, 31, and 32.

Applicant asserts that claims 1-3 also fit within Invention I, species B as defined by the Examiner. For this reason the election is made with traverse. Applicant specifically reserves the right to submit arguments related to the inclusion of provisionally non-elected claims following examination herein.

CONCLUSION

Applicant believes that the provisional election of claims 5-9, 20, 21, 29, 31, and 32, herein with traverse is responsive to the Examiner's Restriction Requirement of November 18, 2002. Early notification that claims 5-9, 20, 21, 29, 31, and 32 are in condition for allowance is earnestly solicited.

Respectfully submitted,

VIDAS, ARRETT & STEINKRAUS

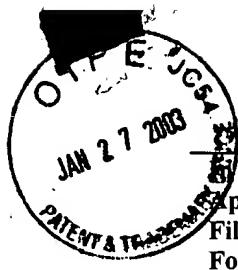
Date: January 21, 2003

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PATENT
3731

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Where Application of: Michael Austin
Application No.: 09/683249
Filed: December 5, 2001
For: COMBINED BALLOON-EXPANDING AND SELF EXPANDING STENT
Examiner: Sarah K. Webb
Group Art Unit: 3731

Commissioner for Patents
Washington, D.C. 20231

Docket No.: S63.2B-10014-US

TRANSMITTAL LETTER

1. In regard to the above-identified application, we are submitting the attached:
1 page Election; VAS Transmittal Letter; and Postcard.
2. With respect to fees:
 No additional fee is required.
 Attached is check(s) in the amount of \$
 Charge additional fee to our Deposit Account No. 22-0350.

3. **CONDITIONAL PETITION FOR EXTENSION OF TIME**

This conditional petition is being filed along with the papers identified in Item 1 above and provides for the possibility that Applicant has inadvertently overlooked the need for a petition and fee for extension of time or for a petition and fee for any other matter petitionable to the Commissioner as required. If any extension of time for the accompanying response is required or if a petition for any other matter is required, by petitioner, Applicant requests that this be considered a petition therefor.

4. Notwithstanding paragraph 2 above, if any additional fees associated with this communication are required and have not otherwise been paid, including any fee associated with the Conditional Petition for Extension of Time, or any request in the accompanying papers for action which requires a fee as a petition to the Commissioner, please charge the additional fees to Deposit Account No. 22-0350. Please charge any additional fees or credit overpayment associated with this communication to the Deposit Account No. 22-0350.

Respectfully submitted,

VIDAS, ARRETT & STEINKRAUS

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Certificate Under 37 CFR 1.8: I hereby certify that this Transmittal Letter and the paper(s) as described herein, are being deposited in the U.S. Postal Service, as FIRST CLASS MAIL, addressed to Commissioner for Patents, Washington D.C. 20231, on January 21, 2003.

Rebecca M. Painschab
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